

SENATE BILL No. 2390

Introduced by Senator Campbell

February 18, 1988

An act to amend Sections 5989 and 6100 of the Fish and Game Code, relating to fish screens.

The people of the State of California do enact as follows:

SECTION 1. Section 5989 of the Fish and Game Code reads:

5989. (a) After acceptance, if the screen fails to function in an efficient manner and no changes in conditions affecting its operation have occurred subsequent to the acceptance of the screen, the owner shall not be required to install a new screen. However, the department may install another screen at the sole cost and expense of the department of a type, size, mesh, and at a location agreed upon by the department and the owner, or approved by the Department of Water Resources, as provided in Section 5992.

(b) After acceptance, if the screen fails to function in an efficient manner because of changes in conditions affecting its operation, including, but not limited to, method of operation, quantity of water diverted, or avulsion, accretion, or other conditions of the channel, the department may order the owner to replace or modify the screen, or the department may replace or modify the screen, in the same manner and at the same shared cost as provided in this article for initial screens on the conduit.

SECTION 2. Section 6100 of the Fish and Game Code reads:

6100. (a) (1) Notwithstanding Article 3

(commencing with Section 5980) and Article 4 (commencing with Section 6020), on or after March 4, 1972, any new diversion of water from any stream having populations of salmon and steelhead which is determined by the department to be deleterious to salmon and steelhead shall be screened by the owner. The construction, operation, or maintenance costs of any screen required pursuant to this article shall be borne by the owner of the diversion.

(2) The department, within 30 days of receipt of a notice of the diversion, or within the time determined by mutual written agreement, shall submit to the owner its proposals as to measures necessary to protect the salmon and steelhead. The department shall notify the owner that it will make an onsite investigation and any other investigation before it proposes any measure necessary to protect fish life.

(3) The department, or any agency of the state, shall provide the owner of the diversion any available information which is required by such owner in order to comply with this article.

(4) The diversion shall not commence until the department has determined that measures necessary to protect fish life have been incorporated into the plans and construction of such diversion.

(b) After commencement of diversion, if the screen fails to function in an efficient manner because of changes in conditions affecting its operation, including, but not limited to, method of operation, quantity of water

diverted, or avulsion, accretion, or other conditions of the channel, the department may order the owner to replace or modify the screen at the owner's cost, or the department may replace or modify the screen, notify the owner of the cost thereof, and the owner shall, within 30 days, remit the amount of the cost to the department.

SECTION 3. Notwithstanding Section 17610 of the Government Code, if the Com-

mission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed five hundred thousand dollars (\$500,000), reimbursement shall be made from the State Mandates Claims Fund.

AMENDED IN SENATE MAY 18, 1987
AMENDED IN SENATE APRIL 20, 1987

SENATE BILL No. 1335

Introduced by Senator McCorquodale

March 6, 1987

An act to amend Section 4604 of the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST
SB 1335, as amended, McCorquodale.
Forest practices: inspections.

Under the Z'berg-Nejedly Forest Practice Act of 1973, the Department of Forestry and Fire Protection is required to provide at specified times, as needed, inspections of an area in which timber operations are conducted.

This bill would remove the authority of the department to omit an inspection upon determination that it is not needed, except that where a registered professional forester has assumed specified responsibilities with respect to the operations, the Director of For-

estry and Fire Protection could provide such inspections of the area as the director determines are necessary.

The bill would authorize the Department of Fish and Game and the State *Water Resources Control Board* to enter and inspect land at any time during timber harvest plan activities on the land.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California
do enact as follows:*

SECTION 1. Section 4604 of the Public Resources Code is amended to read:

4604. (a) The department shall provide an initial inspection of the area in which tim-